REMARKS

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 9, 18 and 27 contain allowable subject matter. Applicant has not rewritten claims 9, 18 and 27 in independent form as suggested by the Examiner because Applicant believes all the pending claims are allowable over the art of record.

Rejections

Rejections under 35 U.S.C. § 103

Claims 1-8, 10-17 and 19-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Graph Rewrite System for Program Optimization*, Uwe Assmann, ACM Transactions on Programming Language and Systems, Volume 22, Issue 4, July 2000 in combination with *Similarity Searching in Medical Image Databases*, Euripides G. M. Petrakis and Christos Faloutsos, IEEE Transactions on Knowledge and Data Engineering, Vol. 9, No. 3, May/June 1997, 435-447 (previously cited). Applicant notes that the Examiner has referred to the Petrakis and Faloutsos as "Euripides."

Assmann uses graph rewriting techniques to optimize computer program code by representing computer instructions as nodes and predicates as edges between the nodes (Assmann: page 587, points 1 and 2 of paragraph 2). Euripides uses "Attributed Relational Graphs" (ARGs) to search through a set of medical images to find possible matches based on image content.

By withdrawing his previous § 102 rejection of the claims over Euripides, the Examiner admits that Euripides does not disclose graphs representing the structure and semantics of multimedia content as claimed by Applicant. Instead, the Examiner asserts that page 628, fourth paragraph of Assmann discloses using graph rewriting techniques on graphs representing the structure and semantics of multimedia content. The Examiner further asserts that:

> Obviously, this study [Assmann] represents structure and semantic of multimedia content (Assmann in figs 4-5 on page 590 illustrates the multimedia content). [Office Action: page 5, lines 2-5].

Applicant has read the cited section of Assmann, and the remainder of Assmann, and finds not even a suggestion that the graphs disclosed in Assmann can represent the structure and semantics of multimedia content as claimed by Applicant. Moreover, the Figures 4 and 5 relied on by the Examiner are described by Assmann as representing graph rewrite rules (Assmann: page 589, paragraphs 4-5 and page 590, last paragraph). Applicant finds nothing in Assmann that even suggests Assmann intended his teachings to be applied to graphs that represent anything other than computer program instructions and predicates.

Thus, neither Euripides or Assmann teaches or suggests graphs representing the structure and semantics of multimedia content as claimed by Applicant.

Furthermore, Applicant respectfully submits that the combination is improper. The Examiner states the combination would allow searching the image database in Euripides by image content because "Assmann teaches this to be known in the graph rewrite system for program optimization." However, Euripides does not suggest any advantage in modifying their system, which is already intended to search images by content (Euripides: Abstract, first sentence). Assmann does not suggest any advantage in applying his teachings outside the area of computer program code optimization. Applicant respectfully reminds the Examiner that "the mere fact that references can be combined does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination" [MPEP: 2143.01 III]. When the references themselves do not suggest the claimed invention, the Examiner must present convincing reasons why one of skill would find the claimed invention obvious based on the cited references or the art as a whole [MPEP: 2142]. Because the references do not suggest any advantage in making the combination, and because the Examiner has failed to present any cogent arguments in support of the combination, Applicant respectfully submits that the Examiner has failed to establish that the combination of Assmann and Euripides is properly motivated.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1-8, 10-17 and 19-26 is not rendered obvious under 35 U.S.C. § 103(a) over the combination of Assmann and Euripides, and respectfully requests the withdrawal of the rejection of the claims.

SUMMARY

Claims 1-27 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.
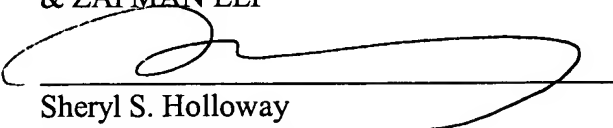
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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